

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

RYDEX, LTD.

Plaintiff,

v.

GENERAL MOTORS LLC,
ET AL.

Defendants.

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CAUSE NO.: 4:11-cv-0122

JURY TRIAL DEMANDED

NOTICE OF DISMISSAL WITH PREJUDICE

The Plaintiff Rydex, Ltd., pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), hereby dismisses all claims against Defendant American Suzuki Motor Corporation in this action WITH PREJUDICE, in accordance with the terms of that certain agreement entitled “**LICENSE AND SETTLEMENT AGREEMENT**” and dated September 23, 2011, with each party to bear its own costs, expenses and attorneys fees. American Suzuki Motors Corporation has not served an answer.

October 10, 2011

Respectfully submitted,

/s/ Stephen F. Schlather
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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on October 10, 2011. Any other counsel of record will be served by first class U.S. mail.

/s/ Stephen F. Schlather
Stephen F. Schlather